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Attorney's Docket No. 35788/237005 (5718-118)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad *et al.*  
Appl No.: 10/032,717  
Filed: October 23, 2001  
For: GENES ENCODING NOVEL PROTEINS WITH PESTICIDAL ACTIVITY  
AGAINST COLEOPTERANS

Confirmation No.: 5409

Box Missing Parts  
Commissioner for Patents  
Washington, DC 20231

RESPONSE TO NOTICE TO  
FILE MISSING PARTS OF APPLICATION

Sir:

In response to the Notice to File Missing Parts of Application dated February 6, 2002, enclosed are the following:

- ☒ Part 2 of Formalities Letter or Form PTO-1533  
(Notice to File Missing Parts of Application)
- ☒ Declaration and Power of Attorney for the above-identified application that has been executed by the named inventor(s)
- ☐ Applicant claims small entity status
- ☒ Check in the amount of 1998.00 to cover the filing fee of 740.00, \$288.00 for 16 total claims over 20, \$840.00 for 10 independent claims over 3, and the \$130.00 surcharge under 37 C.F.R. § 1.16(e)
- ☐ English Translation and \$130.00 (37 CFR 1.17(k)) fee for filing late.
- ☐ Other:

Any additional fee or credit may be charged to our Deposit Account No. 16-0605.

Respectfully submitted,

Leigh W. Thorne  
Registration No. 47,992

<p><b>Customer No. 00826</b> <b>ALSTON &amp; BIRD LLP</b> Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260</p>	<p><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: BOX MISSING PARTS, Washington, DC 20231, on April 8, 2002.</p> <p> Lynda Jo Pixley</p>
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Alston &amp; Bird

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/032,717	10/23/2001	Andre R. Abad	35718/237005 (5718-118)

29122  
ALSTON & BIRD LLP  
PIONEER HI-BRED INTERNATIONAL, INC.  
BANK OF AMERICA PLAZA  
101 SOUTH TYRON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 5409

## FORMALITIES LETTER



\*OC000000007427065\*

Date Mailed: 02/06/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1128.
  - \$288 for 16 total claims over 20.
  - \$840 for 10 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1998.

04/17/2002 AOSMAN1 00000023 10032717

01 FC:101	740.00 OP
02 FC:102	840.00 OP
03 FC:103	288.00 OP
04 FC:105	130.00 OP

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

ALSTON & BIRD  
RTARECEIVED  
2/12/02 ww